

REMARKS

This Application has been carefully reviewed in light of the Advisory Action and the Final Office Action. At the time of the Final Office Action, Claims 1-44 were pending in the Application and stand rejected. Claims 1, 6, 11, 16, 18, 20, 22, 24, 26, 33, 38, 43, and 44 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

The Examiner rejects under 35 U.S.C. § 103(a): Claims 1-4, 6-9, 11-14, and 16-44 as being unpatentable over U.S. Patent Application Publication No. 2005/0053068 A1 of Toth et al. ("*Toth*") in view of U.S. Patent Application Publication No. 2004/0266388 A1 of Maes ("*Maes*"); and Claims 5, 10, and 15 as being unpatentable over *Toth* and *Maes* in view of the Patent Cooperation Treaty (PCT) Application Publication No. WO 03/039024 A2 of Rodriguez Gil et al. ("*Rodriguez*"). Applicants respectfully traverse this rejection for the reasons discussed below.

Respectfully, the combination of *Toth* and *Maes* proposed by the Examiner fails to disclose, teach, or suggest "directing an enabler mobile to facilitate delivery of the multicast content to the user device using the bearer path, the enabler mobile ***located in the cell for which the enabler mobile enables delivery***, the enabler mobile distinct from a base station," as recited in Claim 1 (emphasis added), particularly as amended.

The Examiner relies on the service enablers of *Maes*, as described in the passages of paragraphs 0042 and 0020, to teach the enabler mobile located in a cell. *Advisory Action* at page 2, paragraph 1. The first passage cited by the Examiner merely indicates that an enabler may be located somewhere in an access provider's network:

In some instances, the driver may adapt the communication to the format supported by an ***enabler located in the access provider's network***.

Maes at paragraph 0042 (emphasis added). The second passage cited by the Examiner indicates that a wireless network access provider may be a mobile network operator or a wireless network provider and that wireless network access provider may have mobile devices:

FIG. 1 illustrates an exemplary embodiment of the relationship of a virtual mobile service provider (VMSP) 100 to wireless network access providers 102, 104, 106 (also referred to herein sometimes as "access

provider"). By way of example, a wireless network access **provider may be a mobile network operators [sic] (MNO), or a wireless network provider**, such as a provider of WLAN (Wireless LAN) technology (e.g., WiFi provider). Each wireless network access **provider 102, 104, 106 may have hundreds or thousands of various mobile devices** (not shown in FIG. 1) that use the wireless network to access internet-based applications and/or services.

Maes at paragraph 0020 (emphasis added). That is, the enabler is located somewhere in the access provider's network, but not necessarily in a cell, and the wireless network access provider may have mobile devices.

Moreover, Figures 2 and 3 of *Maes* show that the mobile service enablers are not located in a cell. Figure 3 illustrates that mobile service enablers 302 and 304 are located in a Virtual Mobile Service Provider. *Maes* at Figure 3; *See also Maes* at paragraph 0028. According to Figure 2, the Virtual Mobile Service Provider is not located in any cell. *Maes* at Figure 2. Thus, *Maes* discloses mobile service enablers that are not located in a cell.

Consequently, *Maes* fails to disclose, teach, or suggest "the enabler mobile located in the cell for which the enabler mobile enables delivery, the enabler mobile distinct from a base station," as recited in amended Claim 1.

For at least the foregoing reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For at least similar reasons, Applicants also respectfully request reconsideration and allowance of independent Claims 6, 11, 16, 18, 20, 22, 24, 26, 28, 33, 38, 43, and 44 and their dependent claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Applicants have submitted the fee in the amount of \$1,810 herewith for the filing of the Request For Continued Examination (RCE) and for the three month extension, and believe that no further fees are due. Should there be a fee discrepancy, however, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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